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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,410	06/23/2006	James Peter Burnic	87278.2740	2177
30734	7590	11/29/2010		
BAKER & HOSTETLER LLP			EXAMINER	
WASHINGTON SQUARE, SUITE 1100			ARCHEE, NINA	
1050 CONNECTICUT AVE. N.W.				
WASHINGTON, DC 20036-5304			ART UNIT	PAPER NUMBER
			1645	
			NOTIFICATION DATE	DELIVERY MODE
			11/29/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@bakerlaw.com

#### **ADVISORY ACTION**

1. The amendment filed on 11/5/2010, in reply to the final rejection has been considered and will be entered but is not deemed to place the application in condition for allowance. Applicant's remarks have been entered. Claims 1-3, 10, and 18-22, 26, 28, and 29 are cancelled. Claims 4-9, 13, and 23 are pending and under examination.

#### ***Objections/Rejections Withdrawn***

2. In view of the Applicant's amendments and remarks the following objections/rejections are withdrawn.

a) The rejection of claims 19, 22, and 26 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn in light of applicant's cancellation of claims 19, 22, and 26.

b) The rejection of claims 1 and 28 under 35 U.S.C. 102(b) as being anticipated by (Cerquetti et al 1992 Microbial Pathogenesis Vol. 13 pgs. 271-279 as evidenced by Wright et al 2005 Proteomics Vol. 5 pgs. 2443-2452) is withdrawn in light of applicant's cancellation of claims 1 and 28.

c) The rejection of claims 1-3, 10, 21, and 28-29 under 35 U.S.C. 103(a) as being unpatentable over (Cerquetti et al 1992 Microbial Pathogenesis Vol. 13 pgs. 271-279) and (Campbell Chapter 1 pg. 1 Monoclonal antibody Technology pgs. 3-5, 1984) as evidenced by (Wright et al 2005 Proteomics Vol. 5 pgs. 2443-2452) is withdrawn in light of applicant's cancellation of claims 1-3, 10, 21, and 28-29.

#### ***New Grounds of Objections/ Rejections***

##### ***Claim Objections***

3. Claims 13 and 23 are objected to as being dependent upon a cancelled claim. Appropriate correction is required.

##### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recite the limitation “wherein the isolated nucleic acid molecule is inserted into the nucleic acid vector in proper orientation and correct reading frame such that the polypeptide may be expressed by a cell transformed with the nucleic acid vector”. There is insufficient antecedent basis for this limitation in the claims.

Claim 9 recite the limitation “wherein the isolated nucleic acid molecule is operatively linked to a promoter sequence”. There is insufficient antecedent basis for this limitation in the claims.

#### ***Conclusion***

5. No claims are allowed.

Claims 4-7 are free of the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina A. Archie whose telephone number is 571-272-9938. The examiner can normally be reached on Monday-Friday 8:30-5:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner acting supervisor, Patricia Duffy can be reached on 571-272-0855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nina Archie  
Examiner  
Art Unit 1645

/Robert A. Zeman/  
for Nina Archie, Examiner of Art Unit 1645